



Development Management / Rheoli Datblygu  
 City of Cardiff Council / Gyngor Dinad Caerdydd  
 County Hall / Dinas y Sir  
 Cardiff / Caerdydd  
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Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,  
 including those in breach of a planning condition

Town and Country Planning Act 1990: Section 191 as amended by Section 10 of the Planning and  
 Compensation Act 1991; Town and Country Planning (Development Management Procedure)  
 (Wales) Order 2012

**Publication of applications on planning authority websites**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Details

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number  Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Easting (x)

Northing (y)

Description

## Applicant Details

### Name/Company

Title

Mr

First name

David

Surname

Shand

Company Name

### Address

Address line 1

49 Blackoak Road

Address line 2

Cyncoed

Address line 3

Town/City

Cardiff

Country

United Kingdom

Postcode

CF23 6QU

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Reason for Lawful Development Certificate

Which category describes the existing use or operation or development for which the certificate is sought

- An existing use
- An existing operation
- An existing use, operation or activity in breach of a condition

### Being a use, operation or activity in effect on the date of this application

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to

C3 - Dwellinghouses

## Description of Existing Use, Operation or Activity

Please describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates

A Garden room was erected at the rear of this property in 2021. The development was deemed to be within the Permitted Development as detailed on the .gov website; The Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 <https://www.legislation.gov.uk/wsi/2013/1776/made> (excerpt PDF also attached).

The garden room, as constructed, is an outdoor space with a polycarbonate roof. The dimensions are 4.8m x 5.2m. The roof is fixed to the external rear of the property at a height of 2.7m & over the 4.8m span length, this height reduces to 2.4m. The roof is held up via 10 wooden joists that are supported at the rear by a wooden joist construction at 90 degrees to the roof joists. The back of the garden room is open to the rear garden & one side is open to the pre-existing extension & on the other side is a constructed wall that supports the roof structure. There are no windows or doors. The covered space under the polycarbonate roof is basically a tiled patio area & in the far corner is an outdoor fireplace. We believe this garden room to be within permitted development but in trying to sell our property, our prospective buyers are insisting that we obtain a Lawful Development Certificate.

## Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details

The garden room, as constructed in 2021, is an outdoor space with a polycarbonate roof. The dimensions are 4.8m x 5.2m. The roof is fixed to the external rear of the property at a height of 2.7m & over the 4.8m span length, this height reduces to 2.4m. The roof is held up via 10 wooden joists that are supported at the rear by a wooden joist construction at 90 degrees to the roof joists. The back of the garden room is open to the rear garden & one side is open to the pre-existing extension & on the other side is a constructed wall that supports the roof structure. There are no windows or doors. The covered space under the polycarbonate roof is basically a tiled patio area & in the far corner is an outdoor fireplace. We believe this garden room to be within permitted development but in trying to sell our property, our prospective buyers are insisting that we obtain a Lawful Development Certificate.

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- Yes  
 No

Please state why a Lawful Development Certificate should be granted

The garden room, as constructed in 2021, is an outdoor space with a polycarbonate roof. The dimensions are 4.8m x 5.2m. The roof is fixed to the external rear of the property at a height of 2.7m & over the 4.8m span length, this height reduces to 2.4m. The roof is held up via 10 wooden joists that are supported at the rear by a wooden joist construction at 90 degrees to the roof joists. The back of the garden room is open to the rear garden & one side is open to the pre-existing extension & on the other side is a constructed wall that supports the roof structure. There are no windows or doors. The covered space under the polycarbonate roof is basically a tiled patio area & in the far corner is an outdoor fireplace. We believe this garden room to be within permitted development but in trying to sell our property, our prospective buyers are insisting that we obtain a Lawful Development Certificate.

## Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01/06/2021

In the case of an existing use or activity in breach of conditions has there been any interruption?

- Yes  
 No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- Yes  
 No

### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- Yes  
 No

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes  
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- The agent  
 The applicant  
 Other person

## Pre-application Advice

Has pre-application advice been sought from the local planning authority about this application?

- Yes  
 No

## Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

## Authority Employee/Member

With respect to the Authority, is the applicant or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

- Yes
- No

## Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

David Shand

Date

2023/11/20